Filed: 10/12/2023

ORAL ARGUMENT NOT YET SCHEDULED

IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

| COALITION FOR RENEWABLE NATURAL GAS, |))) |
|--------------------------------------|---------------------------------|
| Petitioner, |) |
| |) Case No. 23-1248 |
| v. | (Consolidated with No. 23-1177, |
| |) et al.) |
| UNITED STATES ENVIRONMENTAL |) |
| PROTECTION AGENCY, |) |
| |) |
| Respondent. |) |
| | |

NONBINDING STATEMENT OF ISSUES

Pursuant to the Court's order of September 12, 2023 [Doc. # 2016460], Petitioner Coalition for Renewable Natural Gas hereby submits the following nonbinding statement of issues in the above-captioned case, which has been consolidated with Case No. 23-1177, et al.

1) Whether EPA's biogas regulatory reform rule, which was finalized as part of the Final Rule titled "Renewable Fuel Standard (RFS) Program: Standards for 2023-2025 and Other Changes," published at 88 Fed. Reg. 44,468 (July 12, 2023), is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.

Filed: 10/12/2023

- 2) Whether EPA's biogas regulatory reform rule impermissibly imposes unequal treatment on biogas and renewable natural gas producers.
- 3) Whether EPA's requirements on biogas producers under the biogas regulatory reform rule are arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.
- 4) Whether EPA's testing and measurement requirements under the biogas regulatory reform rule are arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.
- 5) Whether EPA's biogas regulatory reform rule complied with the notice and comment requirements of the Clean Air Act.

This is a preliminary listing of issues that Petitioner Coalition for Renewable Natural Gas may raise. Petitioner Coalition for Renewable Natural Gas reserves the right to modify this statement of issues, as well as to raise these and other issues.

Respectfully submitted,

/s/ Sandra P. Franco

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Dated: October 12, 2023

Filed: 10/12/2023

IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

| COALITION FOR RENEWABLE NATURAL GAS, |))) |
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| Petitioner, |) |
| V. |) Case No. 23-1248) (Consolidated with No. 23-1177) et al.) |
| UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, |) |
| Respondent. |)) |

CERTIFICATE OF SERVICE

I certify that on this 12th day of October 2023, I caused a copy of the Coalition for Renewable Natural Gas's Nonbinding Statement of Issues to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the Court's CM/ECF system, which will provide service upon all registered counsel.

| /s/ Sandra P. Franco | |
|----------------------|--|
| Sandra P. Franco | |